



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

### Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

### About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

NYPL RESEARCH LIBRARIES



3 3433 07592794 1



DER

B. H. H.







ON

POLICY



'It is impossible to doubt that, sooner or later, the spirit of truth will be regarded . . . as the loftiest form of virtue. We are indeed still far from that point. A love of truth that seriously resolves to spare no prejudice, and accord no favour; that prides itself on basing every conclusion on reason or conscience, and in rejecting every illegitimate influence, is not common in one sex, is almost unknown in the other, and is very far indeed from being the actuating spirit of all who boast most loudly of their freedom from prejudice. Still, it is to this that we are steadily approximating. . . . *'In the political sphere the victory has almost been achieved.'*

LECKY'S *History of Rationalism in Europe*, vol. ii. p. 98.

THE  
IDEAS OF THE DAY  
ON  
POLICY

BY CHARLES BUXTON, M.A., M.P.

LONDON  
JOHN MURRAY, ALBEMARLE STREET

1866  
G.O.H.

LONDON  
PRINTED BY SPOTTISWOODE AND CO.  
NEW-STREET SQUARE



# CONTENTS.



## CHAPTER I.

	PAGE
EXPLANATORY . . . . .	1

## CHAPTER II.

JUDICIAL STATESMANSHIP . . . . .	6
----------------------------------	---

## CHAPTER III.

THE IDEAS OF THE DAY ON RELIGIOUS POLICY . . . . .	15
--	----

## CHAPTER IV.

THE IDEAS OF THE DAY ON SOCIAL POLICY . . . . .	31
---	----

## CHAPTER V.

THE IDEAS OF THE DAY ON FINANCIAL POLICY . . . . .	67
--	----

## CHAPTER VI.

THE IDEAS OF THE DAY ON FOREIGN POLICY . . . . .	75
--	----

## CHAPTER VII.

	PAGE
THE IDEAS OF THE DAY ON COLONIAL POLICY . . .	91

## CHAPTER VIII.

THE IDEAS OF THE DAY ON INDIAN POLICY . . .	99
---	----

## CHAPTER IX.

THE IDEAS OF THE DAY ON IRISH POLICY . . .	105
--	-----

## CHAPTER X.

FINAL REMARKS . . . . .	109
-------------------------	-----

# THE IDEAS OF THE DAY

ON

## POLICY.



### CHAPTER I.

THE AIM of this book is not to show what men might think, or ought to think, but what they are actually now thinking, in England. For some years I have been endeavouring to make a full and exact collection of the political ideas now at work in the mind of the British people. I have been in the habit of watching the political speeches and writings of the time, and carefully analysing the arguments that have been put forward, in the hope of tracking out the principles that are, as it were, living forces in the intellect of the nation; and that are stamping, or tending to stamp, their impress on our policy.

I am sorry that the ideas thus collected should have

such a dry and bare look when set out; but the very scope of my attempt forbade me to enlarge upon them. It made me put them down in the fewest words, and in the coldest way. Had I allowed myself to dwell upon these ideas, and either debate their truth, or illustrate their beauty, or cover them with so much as a fig-leaf of my own finding, I should not have gained my real end, namely, to set them forth *precisely as they are*. A severe impartiality would have been impossible. Now it was the essence of my scheme that, in this work, I should be a collector only: not a commentator, or composer.

In fact, this little book would plead to be a contribution, however humble, to the history of our time. It is not mine to tell the story of the deeds, the events, the changes, with which the last few years have been rife; nor yet to describe the growth of science, or of art; the expansion of wealth, or the forward march of civilisation. My task is a narrow, but well-defined one. Taking one field of national thought, I have done my best to search it through, and take note of all the ideas that are at this very moment living and moving therein. It follows that, if in any instance my own views have coloured what I have written, so far I have missed my own aim, and marred my own work. These pages are waste paper unless the ideas that are stirring the minds of men, on the political questions of the day, have been

stated as faithfully when I think them false, as when true.

One qualification is presumed throughout. It is nowhere implied that every one who holds any political opinion, bases it on all the ideas set down under that head. But only, that among the arguments by which that opinion is upheld, in some quarter or another, I have traced such and such ideas. Some may admit, some may reject, any of those ideas, and yet hold fast the same conclusion.

Nay, their conclusions may have nothing to do with any principles whatever. We know well enough that a large part of our opinions are not the issue of ideas. To a great extent they do not grow up from within, but are thrust upon us from without. Irrespective of any reasoning, our views are shaped by the influence of family or friends; by hereditary character; by what is vaguely but justly called the spirit of the age. In a thousand ways a bias may be given. Even those opinions which have sprung from reasoning, need not have sprung from ideas. They may have been inferred from certain facts, experiences, or assumptions. Or, again, they may have been warmed into life by imagery.

Allowing for all this, still the bulk of political opinion is generated by certain formative ideas, which, as was said above, are living forces in the minds of men. For



example, take the opinions generally held on the question of legalising marriage with a deceased wife's sister. Many, no doubt, are against, or for, the legalisation of such marriages, simply because their husbands, or wives, or friends are against or for them ; and they have caught their feeling. Others take one or the other side because they know certain people whose happiness such legalisation would have marred or made. Others have got a bias from some other trifling cause. But putting aside these leanings, there still remains a large body of opinion, that may not have been reached by conscious reasoning, but yet emanates from certain ideas enthroned in the mind, and ruling over its thoughts. Such, for example, is the idea that the bidding of the Church must be obeyed. Such, on the other side, is the idea that the law ought not to hamper man's freedom, so long as he does not trespass on the rights of others. These and other such ideas do not bear upon the one topic alone. Their sway extends over wide provinces of thought.

Now this book sets aside those other motives to opinion. It seeks to go down from the efflorescence of arguments and illustrations with which the discussion of every question is clothed, to the roots of these arguments in the reason. I have had to deal with the political thought of the day so far, and only so far, as it is engendered by ideas.

If it be asked, What use is this? I hardly know what

to reply. Perhaps it is as good to collect ideas, as to collect butterflies and beetles. Perhaps, too, if we could grasp the ideas by which other men are swayed, we should thereby gain a deeper insight into those men themselves, and have a larger fellow-feeling with them. However, I began the investigation for my own good only, fancying that, if I could master the principles of those from whom I differ, this would help me to take a more broad and judicial view of the questions that come before Parliament; and afterwards I thought that these notes might give some help to those learners in the political sphere who aim at rising above mere partisanship, and seeking truth alone.

But here starts up the question, Is any such aim a wise one? At any rate is it a wise one for a member of Parliament who seeks, first and foremost, to be of use? That question demands a chapter of its own.

## CHAPTER II.

## JUDICIAL STATESMANSHIP.

PARLIAMENT may be divided into three portions. Most of its members care little for its politics, but look on the House of Commons as an agreeable lounge for leisure moments, though with the serious drawback of eternal speechifying, and, still worse, of divisions in which even the most easy-going member must now and then be found. On the other hand there is the occasional amusement of a humorous speech from a trained joker ; the occasional interest of a grand oration from a leading statesman ; the occasional excitement of a party-fight.

A large number, again, take a lively interest in Parliament as the arena of party-conflicts. They are heartily loyal to their party and its chiefs ; they wax hot against the other side ; they feel all the spirit-stirring emulation of the political race, as well as relishing the social intercourse and other enjoyments which Parliament confers. But the idea never crosses their minds of thinking for themselves, or taking a line of their own, on

the questions of the day, and they look with wondering disgust on those who do.

A far smaller band may be observed, who seem to look on Parliament from altogether another point of view. To them the House of Commons is neither a club nor a race-course. They may enjoy its rare merits in both of these capacities, but they do not forget that here the policy of the greatest nation in the world is discussed and determined; and that even the least of the members of that House shares in acts that may tell for weal or for woe upon tens of millions of their fellow-men, it may be for ages. Even if they do not take such a high and perhaps overstrained view of the duties entrusted to them, they feel a vivid interest in the questions that rise up day after day; they throw themselves heartily into every effort to rid the land of abuses; to lessen suffering; to spread peace, happiness, and well-being, not only throughout this kingdom, but the world. They rejoice in finding a sphere opening before them for labour so good in its kind, and, if wisely spent, so beneficent: and they resolve that no pains shall be spared to make themselves worthy of the work that is given them to do.

And here arises a very natural mistake into which some of the younger of these politicians appear to fall. They seem to think that to render their career truly noble, and make themselves potent advocates of the best and highest policy, they must exercise an independent, self-reliant

judgment upon the questions that come before them, and think their own thoughts, and strike out their own path, without any regard whatever to the claims of party, friendship, or ambition. They deem it a pitiful thing to rage against those who differ from them, as if they were knaves or fools, instead of trying to sound the depths of their dissent, and grasp its meaning. Their ideal statesman would be he who, while full of hearty zeal against all abuses, should yet be so master of his own soul that, instead of being swept away by gusts of feeling, he should bring a cold clear judgment to the solution of all questions of policy; and seeking truth alone, should calmly weigh the reasons for, and the reasons against, the course proposed; and hold fast the conclusion he thus reaches, whatever ridicule, reproach, or loss it might bring upon him.

And it must perhaps be allowed that, *in its perfection*, statesmanship like this would tend to call forth and strengthen some noble qualities of heart and mind. It would demand candour, fairness, generous feeling; love of truth; courage; self-reliance; combined with the habit of grasping, and marshalling in due order, the mass of thoughts and knowledge bearing on the matter in hand.

And yet it may be doubted whether a young politician does wisely in aiming at any such ideal. In doing so, *he will be putting himself at a discord with the actual conditions of the life he is to lead.* The process by which the

country has risen to such greatness has not been through her individual legislators weighing the pros and cons of every question, and coming, each for himself, to an impartial, independent judgment thereupon ; but by the strenuous collision of parties, under which there arises a full debate—not only in Parliament but in the Press—and at length a decision by the nation, upon the policy to be followed. Probably in the long run it works better that every measure should thus be hotly advocated and hotly assailed by the two great political hosts, with the nation sitting by as arbiter, than that each member of Parliament should take his own special, and perhaps crotchetty course, without yielding to those, who may be much more fit to lead him, than he is to lead himself.

And undoubtedly as regards his own career, nothing can be less prudent than his thus daring to think out things for himself, and strike out his own line. Most of those about him are partisans, however little they may be of politicians. They may care little for the principles they profess ; they may care little for the practical results to be expected from their legislation : but they will be none the less eager for the triumph of their party ; and will look very much askance at the man who is ready to leave it in the lurch, or break loose from its ties. They will always lay his conduct at the door of some selfish motive, and, to say truth, the conclusion they

are so ready to draw with regard to M. or N., may be a too legitimate induction from other cases.

Now, to feel himself looked upon as a black sheep by those whose goodwill he cannot but crave, must in itself be painful: and so, again, to find himself assailed, perhaps, by that very portion of the press which he most admires. Still, it needs no great manliness for him to face this disappointment. But the mischief does not end there. What injures his reputation, weakens his power. He cannot command the support of men who look on him as a half-hearted partisan, or as a traitor in disguise. And if his one great aim is, as it should be, to make his career fruitful in good work done; to give a vigorous push forward to every good cause; nay, it may be, to achieve success for a good cause of his own—then he must sometimes doubt the wisdom of isolating himself from those, without whose aid his toil must be in vain.

But further: although, as was observed above, the statesman who boldly, strongly used his own judgment, and took his own way, without being swayed one inch to right or left by others, would thus, no doubt, bring into play some of the highest virtues; on the other hand, the same course might, in many cases, have a baneful, instead of a beneficial reflex action on both mental and moral character. The continual endeavour to look at both sides of each question, to allow full

weight to whatever might be said against as well as for it, might too easily give a habit of wavering that would be fatal to success and to utility.

And again, no doubt, this habit of sitting as a judge, instead of pleading as an advocate, would not in the least degree cool the allegiance of some men to their own principles. Nay, with many a man, the hard and repeated thought which such an attempt exacts, gives only a more profound and even passionate love of his own opinions, than could have been awakened by them had they only lain lightly on the surface of his mind. But, as a general rule, such a man would not feel that living faith in his own conclusions, nor be borne along by those impulses of glowing zeal, which inspire him who fixes his eyes upon one side alone. He might sink at last into that mood, wherein the poisonous sentiment grows rank, that 'There's nothing true, and it's no matter:' and of all frames of the intellect, none, perhaps, can be worse than that numb indifference; that feeling that all is vague, all is doubtful; that nowhere is there a foothold for the mind amid the quicksands that surround it. This, however, is the danger that attends the high and noble aim of reasoning out each question without bias, without personal or party feeling, weighing against each other, with absolute fairness, all the arguments that lie on either side. Upon the whole, prudence would dictate that it is safer and wiser for a young



politician to keep the trodden track, and go in, heart and soul, hand and voice, with his party, as an ardent advocate, without presuming to sit as judge. For his own comfort, this would beyond question be wisest ; and, as we have seen, it may in reality prove to be so for his utility, and even for his own growth in power.

But there are many thoughtful men, who could not force themselves by any consideration, either of personal, or even of higher motives, to take such a partisan course. Their natural impulse is uncontrollable to look all round each question : they feel, perhaps, even a keener delight in working their way among the ideas of their opponents, and placing themselves where they stand, than in building up argument after argument on their own side. It is by thinkers of that kind that this work may, I would fain hope, be found useful ; not, indeed, in the way of teaching, but of suggestion. Its function is not to instruct, but only to stir up the reader to push forward his own investigations, and thus gain for himself a mastery over the political thought of the day.

N.B.—I have found it convenient to use the word 'principle' only when the idea referred to is the idea of a law: viz. when it is an idea that it is right, not merely gainful, to take such and such a course.



## CHAPTER III.

THE IDEAS OF THE DAY ON  
RELIGIOUS POLICY.

---

SECTION I.

## CHURCH AND STATE.

I. No idea has told so much on the institutions, the policy, and the mind, of the British people ; no idea has had so much of its ancient dominion torn from its grasp ; no idea has now to wage such war with those that seek its downfall ; as the idea that the State, as a State, must hold, and uphold, the true Faith.

This is the principle of an Established Church.

II. In days gone by, this principle led on to the idea that the State, to be loyal to truth, must drive out error. This is the principle—so far as it came from principle, not from passion—of persecution. This idea is dying, but now and then shows unlooked-for life.

III. Till very lately, these ideas bore unchecked sway

over Christendom as well as over a large part of the un-Christian world. Even those who overthrew the State Church in England clung fast to them. They were not more zealous for their own truth, than for crushing other men's errors by force of law.\*

By degrees an idea of vast potency has gained sway—namely, the principle that every man has an absolute, indefeasible, illimitable right to think his own faith out for himself.

IV. Some, perhaps most, accept this principle of men's right to freedom of thought, but still cling to the principle that the State must be religious. That is to say, they would have an Established Church, but would not meddle with dissenters.

This is the principle of toleration.

V. Others push further the principle of religious freedom. They hold the idea that the State outsteps her true field of work, and trespasses on that freedom, if she chooses out any Faith whatever for her special care.

This is the principle of religious equality.

VI. On the other hand, the idea still lingers in many minds that, though it may tolerate, the State must in no way recognise, dissent from the Established Church. This,

\* Except the Quakers, whose doctrine forbade the intervention of 'the arm of flesh.' Many talked toleration till they got power to persecute.

in reality, is the old idea that the State must have a definite religious character ; but modified by facts.

VII. Many deny the principle of an Established Church, but are withheld from seeking to sunder the Established Church from the State, by the idea that institutions which have grown with the nation's growth, ought not to be torn down, because their root may have been a false one.

---

## SECTION II.

### CHURCH RATES.

These fundamental ideas of religious policy bear more or less strongly on the question of Church Rates.

VIII. Church Rates are condemned, by many upon the principle that each man has a right to absolute religious freedom, on which the State makes trespass in choosing any special faith for her special care.

IX. Many, however, would keep up the union of Church and State, yet would sweep away Church Rates,

that he has not a right to voting in the Church  
 & that he has not the right to live.\*

I have would exempt Dissenters—but them only.

These might holding the principle of an Established  
 Church, yet admit the principle that no man should be  
 forced by law to go against his conscience.

II. In some quarters Church Rates are defended upon  
 the principle that each man is bound to yield his mind up  
 to the teaching of the Church, and has no right to choose  
 out another faith for himself; or at any rate has no claim  
 to have his dissent recognised by the State, which, being  
 in union with the Church, professes her faith, and none  
 other.

XII. Others admit the principle that each man has the  
 right to think as he will; but defend Church Rates upon  
 the idea that, an Established Church being a vital part of  
 our institutions, and bestowing great blessings on the  
 whole people, all ought to share its cost.

\* Those who hold this principle do not generally think that it bears upon  
 tithes, which, being property, stand on a different footing from a rate.

## SECTION III.

## IRISH CHURCH.

The Established Church in Ireland is assailed on—

XIII. (1.) The principle that nowhere ought the State to choose out and uphold any Church at all.

XIV. (2.) The principle that, although it is right for the State to provide religion for the people, it should provide that religion which the mass of the people love ; not one they abhor.

XV. (3.) The principle that property left for the public good ought to be used for the public good. When it is not so used, the public has a right to take it from those who are misusing it, or not using it, and set it to useful work.

XVI. (4.) The idea that it was at the outset mere robbery to seize this wealth from the Church of the Irish people, and bestow it on a Church thrust upon them from without. And this wrong ought to be righted.



XVII. (5.) The idea also prevails that the Irish Church sours the Irish people ; and, were it swept away, they would be more peaceful.

The maintenance of a Protestant Established Church in a country like Ireland, where the mass of the people are not Protestants, is defended upon—

XVIII. (1.) The principle that the State, as a State, ought to be religious ; and her religion must be the true, not the popular one.

XIX. (2.) The principle that the State is bound to secure all property to its owners ; and the emoluments of the Established Church in Ireland are its property.

XX. (3.) The idea that other institutions are risked if one be pulled down.

XXI. (4.) The idea that even if in certain parishes the Established Church may be a sham, yet, as a whole, it is living and beneficent.

## SECTION IV.

## CLERICAL SUBSCRIPTION.

The question has been largely discussed of late, whether the clergy should not be relieved altogether from making declaration of their religious belief; or whether, at any rate, the tests applied to them should not be less stringent. These discussions resulted in the Act of 1865, by which a single new form of Declaration was substituted for the old ones. This concession, however, has not altogether allayed agitation; and it is therefore still worth while to track out the ideas by which the various opinions on this topic are engendered. In fact these ideas are singularly curious and interesting.

XXII. The idea, formerly regnant, that true religion lay—mainly if not wholly—in the acceptance of dogmas, bids fair to be dethroned by the idea that there is no merit in holding this or that doctrine, and no sin in rejecting it.

This idea quenches the wish to hold the clergy down

by force under that yoke of dogmatism, which the laity are shaking off.

Some would do away with subscription altogether.

XXIII. A part of these hold the idea that the teaching of the Church is tainted with falsehood ; and therefore the religious teachers of the people ought to have great freedom in dealing with it.

XXIV. Others, however, admit that the ministers of the Church ought not to preach against her doctrines ; but their idea is, that the right way to secure orthodox teaching is that the Church should define her doctrines—as, in fact, she has done in the Thirty-nine Articles—and then, if any minister teaches contrary thereto, let him be silenced. But the mere fact of his having contravened them should be proved before unbiassed judges, in a Court of Law.

Men, say they, have the right to stop a minister of the Church from teaching others that what the Church says is untrue. But men have no right to force any one to declare his inner faith. Of this God alone is judge.

XXV. Some are actuated by the idea that man's reason is to be his sole guide : he only need believe what

reason allows ; and the teaching of the Church is not to sway him. And they disapprove every semblance of dictation, or of subjugation of the mind to tradition.

Others would not do away with tests, but would make them looser. Their view seems to arise from a combination of the following ideas :—

XXVI. On the one hand, they hold the principle that no man ought to act as the minister of the Church unless he is a believer in her doctrines ; and that his being so should be ascertained before this great trust is put into his hands.

XXVII. Again, that the laity of the Established Church have a claim to be satisfied that their religious teachers, who accept the emoluments of that church, do *bonâ fide* believe her doctrines.

XXVIII. But, then, on the other hand, they cherish the idea that every man has an indefeasible right to think for himself on religious topics. And that it is a trespass upon this right to require him to tie his mind down to a mere reception of a mass of dogmatic assertions.

XXIX. They are also impressed by the idea that the

Church herself must wither, unless she moves with the mind of the age. And that if she shuts up her ministers to an absolute uncompromising acceptance of each and every dogma, that was embodied years ago in her Liturgies and Articles, the effect must be to drive men of thought from her altars.

XXX. They also hold that as no man can square his thoughts by rule, those who are forced to declare their acceptance of each and every dogma of the Church, must perforce do so at some cost of their truthfulness ; unless, indeed, their minds are slavish.

Putting these ideas together, they conclude that, on the one hand, the Church may fairly demand from the clergyman a declaration that he is a believer in her doctrines *as a whole*. But that, on the other hand, the clergyman may fairly demand from the Church freedom to mould the shape of his religious faith for himself, so long as he is *bonâ fide* imbued with her leading principles.

Others would keep these tests as stringent as possible.

XXXI. Some of these hold the principle that in religion man has no real claim to think for himself, but should yield his mind wholly to what the Church tells him.

Every part of her teaching is high and holy truth : to doubt it is sin.

XXXII. Some, however, do not go beyond the idea that, whatever a layman may do, at any rate no man ought to minister at the altars of the Church, unless he can submit himself utterly to her teaching.\*

---

## SECTION V.

### UNIVERSITY TESTS.

It is proposed to abolish those tests, which now exclude Dissenters from the governing bodies of the two Universities of Oxford and Cambridge.

XXXIII. (1.) This proposal takes its rise in the idea that it is beyond the province of the State to make choice

\* I rejoice to observe that the value of the new form of Declaration is beginning to be perceived. The distinction between it and the old ones is, in reality, a vital one. They bound the subscriber to a belief in 'all and everything' in the Thirty-nine Articles and the Prayer-Book. The new one only binds him to a belief in the doctrine of the Church *as a whole*.

between different forms of religion. Hence, no line whatever should be drawn in any public institution, between those who do, and those who do not, belong to the Church of England.

XXXIV. (2.) Some who reject that principle, still hold the idea that it is not outward, artificial safeguards that can uphold the power of the Church; but only her own truth, goodness, and beauty.

XXXV. (3.) The idea has also had some influence, that the individual Dissenter is wronged, if, when his abilities have won him the other privileges of the University, he is still declared unfit to take part in her government, because he has acted on his natural right, to think out his own faith for himself, or to abide by that which he has received from his fathers.

On the opposite side we find at work—

XXXVI. (1.) The principle that the State and Church are one; and though dissent must be borne with, it must not be acknowledged, nor allowed to take its place side by side with the Church.

XXXVII. (2.) The idea that the Universities of Oxford and Cambridge are part of the ancient property of the Church, to which those who dissent from her have no claim.

XXXVIII. (3.) The principle that all education must be imbued with religion; and this could not be, if the Universities professed no creed.

---

## SECTION VI

### FINAL COURT OF APPEAL

A demand has arisen of late in certain quarters, for the reconstruction of the Final Court of Appeal, in cases of alleged clerical heresy. And there has been a strong feeling in favour of the suggestion, that while the points of law involved should still be referred to legal authorities, the points of doctrine should be referred to ecclesiastical authorities alone.\*

\* It is not my affair whether such a distinction is a practicable one. I have merely stated, I hope exactly, what the suggestion is.



XXXIX. (1.) This proposal seems to emanate from the idea that every part of the doctrine of the Church is vital, and cannot fitly be touched by the careless hands of laymen.

XL. (2.) And also from the idea that, besides the explicit written doctrine of the Church, there is a large body of unwritten doctrine, handed down through all ages—only not asserted because never denied—and whose preservation as an essential part of the teaching of the Church is of vital consequence; but of which only the Church herself is able to judge.

XLI. (3.) The idea that it is beneath the dignity of the Church to be under the feet of the State, instead of ruling herself by her own authority.

This suggestion has been encountered by—

XLII. (1.) The idea that, so far from its being of vital consequence that every part of the doctrine of the Church should be so explicit and authoritative, that none of her ministers could swerve from it in the least degree, it is well for the Church, and for the nation, that the utmost practicable freedom of thought, and of teach-

ing, should be allowed within her borders; and this end can be secured far better by a Court of Appeal consisting mainly of laymen, than by one more subject to the influence of the dignitaries of the Church.

XLIII. (2.) The idea that impartiality of judgment in trials for clerical heresy, could only be secured by entrusting them mainly to laymen: ecclesiastics would be biassed.

---

## SECTION VII.

### CHURCH GOVERNMENT.

XLIV. The idea is making way that the Church ought to be provided with the machinery of self-government.

XLV. Some would realise the idea by increasing the powers of Convocation, on the principle that it is the clergy of the Church who are her natural and fitting rulers.

XLVI. Most, however, maintain the principle that the laity, not less than the clergy, ought to share in her government. But no plan has been suggested for carrying this idea into effect.

## NOTE.

At present it is understood that the principle on which clergymen are prosecuted for heretical teaching is this, that the doctrine and discipline of the Church must be kept unimpaired. Accordingly, such prosecutions are set on foot, and paid for, by the Bishops.

It has been suggested that they should be based on a very different, and much less obnoxious, principle; namely, that the clergyman has entered into a contract to preach Church of England doctrine, and receives his emoluments accordingly; and his parishioners ought to be protected from his breaking that contract by preaching against that doctrine.

An able paper to that effect was read by Sir Willoughby Jones before the Church Congress at Norwich last October; and he justly pointed out that suits instituted upon that principle would fall in with the temper of the people much more than prosecutions which savour of ecclesiastical despotism.

But now look at the logical consequences.

It being for the benefit of the parishioners that the suit would be instituted, they ought to bear the cost; but, in any case, it would rest with them to institute it or not.

Suppose they say that they do not mind the clergyman's heresies, and will not institute the suit?

Then it follows that the parishioners—i.e., a majority of them—may choose what sort of doctrine shall be taught in the parish church.

The step then is nothing to the next landing place. If a majority of the parishioners may keep an heretical preacher in their pulpit,—surely they may put a dissenter there!

## CHAPTER IV.

THE IDEAS OF THE DAY ON  
SOCIAL POLICY.

---

SECTION I.

## MARRIAGE WITH A DECEASED WIFE'S SISTER.

THE legalisation of such marriages is withstood on—

XLVII. (1.) The principle that the bidding of the Church is binding ; and the Church forbids such unions.

XLVIII. (2.) The idea that kinship by marriage is equivalent to kinship by blood.

XLIX. (3.) Some again, in dwelling on the discomforts that might come of such legalisation, imply the principle that it is the province of law not simply to secure men their rights, but to save them from annoyance.

The legalisation of such marriages is advocated on—

L. (1.) The principle that man has a right to freedom—i.e. to do what he will—so long as what he wills to do is not a trespass on other men's rights. And such marriages are no trespass on the rights of others.

II. (2.) The above principle might be taken to authorise the legalisation of incestuous marriages.

Others, therefore, go beyond it, and affirm that the State ought to leave man to do what he will, so long as what he wills to do is not a trespass upon the rights of others, *nor yet a breach of the law of God*, whether set forth in Holy Writ, or in Nature; and they deny that these marriages are the one or the other.

LII. (3.) Others acquiesce in the principle that it is the province of law to prevent discomforts, although in so doing it limits men's freedom.

But their idea is that, in this case, the discomfort to those who may not marry as they would is certain: that to others from their doing so, is contingent.

LIII. (4.) And they are also actuated by the idea that the sister of the deceased wife is the most natural, and will be the most loving, stepmother to her children.

## SECTION II.

## NATIONAL EDUCATION.

THE ideas upon which our national system of education is built are not so obvious as they might seem at first sight.

LIV. The main idea which generates that system is this: that the people is to be made wise and good; and that, in the case at least of the poor, the State must give aid towards this end, by overlooking, and partly paying for, the schooling of their children.

It is a leading characteristic of the English system that the State does not set up schools of its own, but only helps those set on foot by private persons, under certain conditions.

Two ideas have contributed to give the system this shape.

LV. (1.) The idea that the education must be religious as well as secular. And it is only by what is called a

denominational system that this end can be gained, without boundless difficulties.

LVI. (2.) The idea that it is only those who help themselves who deserve help. Those who <sup>can</sup> do nothing for their own children can have no claim on others. ?

LVII. This system is disapproved by many on account of its breadth. They hold the principle that the National Church alone should be recognised by the State as the teacher of the people.

LVIII. Others disapprove the system on account of its narrowness. Their idea is that the State should not countenance schools of a sectarian kind, but should set up schools independent of any Church or Sect whatever ; and to this end they would substitute parish rates for State subventions.

Others condemn all interference by the State with education.

LIX. (1.) Some, upon the principle that it is not within the province of the State to make men wise or moral, but only to shield men's rights. They think that in taking A's money to educate B's children the

State is trespassing beyond its true field of work, and is itself wronging A, instead of securing him from wrong.

LX. (2.) Some, under the idea that men do best what they do for themselves, and that the State spoils the work it takes out of their hands.

It is upon these principles that the English system has been based, defended, or assailed.

LXI. Its administration has lately been conformed to the idea that aid should not be given merely because good machinery for education has been set up; but should be proportioned to the amount of elementary education actually manufactured.

LXII. This change has been deprecated upon the principle that education ought to have a religious character, and this could not be tested by examinations.\*

---

There has been some outcry lately about 'the Conscience Clause;' according to which—in any parish where there is only room for one school

\* The other objections are technical. At any rate, I have not been able to trace them to a principle.



aided by Government—those who ask State aid in setting up that school, bind themselves to admit the children of Dissenters, without forcing them, against their parents' wishes, to learn the Catechism or attend church.\*

This restriction is based upon—

LXIII. (1.) The principle that it is not the priest, but the parent, who should determine the religious teaching of the child.

LXIV. (2.) The idea that as Dissenters share the cost, they should partake in all the benefits of the educational system.

LXV. It has gained some applause, as being an admission of the principle that it is not for the State to choose between religious truth and error; but that all men may think as they please, without any favour being shown by the law to any one Church.

The resistance to this proposal seems to originate in two ideas, at first sight almost identical, but not so in fact.

\* It is said that recently the Educational Department has gone beyond this reasonable amount of restriction.

LXVI. (1.) The principle that the Established Church is the one true Church, and ought to bear full sway in the land; nor should schismatic bodies be acknowledged (though they may be tolerated) by the State.

LXVII. (2.) The idea that it is the priesthood of that Church to whom the souls of the people are entrusted by Heaven, and religious teaching ought in no case to be wrested out of their hands.

LXVIII. (3.) Another idea which has much weight is this: that the conscience of the clergyman would be violated were he forced to give a mere secular education to any children under his care, without definite religious teaching. If he takes children under his charge, he is bound to train them in the Truth.

---

In Ireland, the State educational system is shaped by somewhat different principles from those which mould the English system.

LXIX. It throws aside the principle that the State should only help those that help themselves. And it is actuated by the idea that religious hatreds would be

softened if the children of different denominations were brought up in the same schoolrooms.

Instead, therefore, of giving help to any private schools that possess due educational machinery, without restricting their religious teaching, the State, in Ireland, refuses aid, if specific doctrinal teaching be a necessary part of the school course in school hours. The State also establishes schools of her own, in which no specific religious teaching is allowed.

LXX. This course is highly disapproved by a large body of Episcopalians in Ireland. Many of them allege the principle that the State, in promoting education, should only aid those who promulgate the Truth; and not countenance error.

LXXI. Still more hold the principle that education ought to be imbued throughout with religious teaching; and therefore repudiate the restriction which the State imposes.

---

There has been a demand in some quarters for allowing the State-paid teachers in the State schools in India to teach the Bible in school hours.

This is claimed on—

LXXII. (1.) The principle that a Christian government ought not to withhold the knowledge of the truth from those whom it takes under its charge to educate.

LXXIII. (2.) The idea that in refraining from thus standing by our own religion we do but make the natives think we fear them.

LXXIV. (3.) The idea that this teaching of Christianity would bear fruits—religious, social, and political—of priceless value to the natives themselves.

It is deprecated—

LXXV. By some, on the principle that it is beyond the province of the State to teach religion at all.

LXXVI. By some, on the principle that whether a Government may or may not teach religion at all, at any rate it can have no right to use the nation's money in teaching what the nation disbelieves.

LXXVII. And the case is stronger where the Government is not the natural head of the people, but

has been thrust upon them by conquest. For a foreign ruler to use the power given, and still kept, by the sword, to teach the people, at their own cost, a religion they abhor, is a wrong done them.

---

### SECTION III.

#### REFORM.\*

The ideas prevalent among those who demand household or manhood suffrage seem to be as follows :—

LXXVIII. (1.) The principle that every man who belongs to a commonwealth has a right to share in the management of its affairs. He has a just claim to a voice in the passing of its laws; in the healing of its grievances; in the choice of its rulers; in deciding whether it should make war; and what steps it should take for its defence. He cannot rightfully be deprived

\* May I remind my reader, (should such a being exist), that I am not giving a summary of the arguments used on any question; but am only collecting the formative ideas of policy that are at work in the national mind. Hence many of the most telling arguments may be passed by.

of all control over matters which touch his own well-being so strongly. Surely he at least may ask to help in choosing those who shall control them.

LXXXIX. (2.) The idea that this right is forfeited by pauperism and by crime. The man who is either useless, or baneful, to the commonwealth, has no claim to handle its affairs.

LXXX. (3.) The idea that the upper classes gain (or think they gain), while the lower classes lose, by national outlay. Hence manhood suffrage would cheapen government.

LXXXI. (4.) The idea that the gift of political power to the working classes would strengthen their character; and, further, would enhance their dignity.

LXXXII. (5.) The idea that universal suffrage would lower the aristocracy.

Most Liberals have no wish for manhood or for household suffrage; but would extend the franchise to the upper working class.

The politicians of this school are acted upon by two sets of ideas, viz.

LXXXIII. (1.) The principle already stated, that every member of the commonwealth has, *à priori*, a claim to share in its counsels, or at least to have a spokesman in the national assembly.

LXXXIV. (2.) The idea (less widely diffused than the one just noted) that, not every *individual*, but every *class* in a commonwealth, has such a claim.

LXXXV. (3.) The idea that it would knit together the commonwealth, and make her policy more strong, if all classes had, than if the largest class had not, a voice in it.

LXXXVI. (4.) The idea that the voice of the working class would be on the side of frugality, progress, peace, and freedom.

The above ideas work towards an extension of the suffrage. The opponent ideas which restrain their action, are—

LXXXVII. (1.) The idea that the first thing is to have the best possible government; and the claim of individuals, nay, even of classes, to share in political power, is secondary to the paramount claim of the whole

people to be ruled by the best rulers. And thus it would be a wrong done to the nation, if the better taught classes, who also have most at stake, were overwhelmed by mere numbers.

LXXXVIII. (2.) The idea that a man who has gathered no wealth at all ; and hence remains in the lower levels of the working classes ; has shown himself unfit for handling the policy of the kingdom.

LXXXIX. (3.) The idea is entertained in some quarters that the working classes, were the whole of them endowed with power, would use it to overthrow, or at least to injure, the institutions of the realm.

Combining these ideas, they conclude that, on the one hand, it would be right and wise to admit the upper working class, but rash and wrong to admit the whole, to power.

XC. Those who are against any lowering of the franchise, admit the force of the opponent, but not that of the motive ideas, above stated. They hold the idea that the essential thing is for the nation to be well ruled ; not for certain persons to be gratified by



having a share in ruling it. Again, the idea that poverty in itself implies political unfitness. And, again, the idea that the working class would be dangerous, if endowed with power. But perhaps no idea weighs more with them than the old and plain one: that it is wise to let well alone.

---

## SECTION IV.

### BALLOT.

Among the arguments of those who defend the ballot, we find—

XCI. (1.) The principle that if the State lays on men a duty, she ought to shield them in doing it.

XCII. (2.) The idea that were the influence of the upper classes fended off by the ballot, a more democratic complexion would be given to Parliament and to our policy.

Those who are against the ballot put forward—

XCIII. (1.) The principle that a public duty ought to be done under the public eye.

XCIV. (2.) The idea that secrecy in the performance of a public duty would be un-English and unmanly.

XCV. (3.) The idea that the influence of the upper over the lower classes is legitimate; or, at any rate, wholesome. They have no wish to provide machinery for its extinction.

---

## SECTION V.

### LAW OF PATENTS.

The proposal to sweep the Patent Laws away is now pending.

XCVI. (1.) The system of Patents rests, and is defended, upon the principle that the ideas which a man strikes out, are his own; and his right to them ought to be secured to him, like any other right.

XCVII. (2.) And also upon the idea that what is

good for the inventor, must be good for society at large: as stimulating invention.

XCVIII. Those who take the side of abolition mostly admit the principle that a man's ideas are his own, and should, if possible, be secured to him; but they deny its applicability in this case. Most inventions, say they, dawn on many minds at once. The monopoly of one robs the rest.\*

XCIX. Another idea is insisted upon; namely, that the law, in seeking to give ownership over inventions, undertakes an impracticable task; and thus, in the long run, injures both inventors and society.

---

## SECTION VI.

### LIMITED LIABILITY.

A principle, pregnant with great consequences, was definitely accepted by Parliament, in legalizing the limited liability of traders.

\* This objection does not lie in the case of copyright. A hundred men may hit off the same invention. No two men could write the same book.

C. For that measure was expressly based upon the principle that it is not the province of Government to save men from their own folly, but only from wrong. In short, that men are to be let alone by the State, to do their own work in their own way ; so long as they do not break into the rights of others.

---

## SECTION VII.

### COMBINATIONS AND STRIKES.

CL. The universality of the opinion, that the law ought not in any way to meddle with the freedom of combination among workmen, is worth marking ; because this also implies a deep seated faith in the principle above stated ; namely, that the State ought to respect the right of each man to do what he will, so long as he is not trespassing on the rights of others ; whatever mischief this freedom may breed, to himself and even to others.

## SECTION VIII.

## LICENSING.

CII. And yet the laws that regulate the sale of fermented liquor seem to rest on the very opposite principle; but are generally approved—nay, and are found wholesome.

In these, and especially in the law that leaves it to the magistrates to decide what public-houses shall be opened, the State interferes with men's freedom in trading, in order to keep other persons out of harm's way; though the former are not trespassing on the rights of the latter.

---

## SECTION IX.

## THE PERMISSIVE BILL.

The proposal to allow any parish to stop the sale of fermented liquors has been gaining some favour. Whatever be thought of the proposal itself, the principles upon which it is advocated or repelled, are of high interest.

CIII. (1.) The leading idea of its supporters is that, since fermented liquor does unmixed harm, its extinction must do unmixed good, to the pockets, bodies, and souls of the people.

CIV. (2.) Their proposal, however, implies what is called the paternal idea of government: namely, the idea that the relation of the State to the people should be that of a father to his children, not merely guarding their rights, but keeping them out of harm's way.

CV. (3.) Some add the idea that the State should have a conscience, keeping it from sins; altogether apart from its duty of guarding its subjects from being wronged.

CVI. (4.) Some, however, lay more stress on the idea that, as the people in a parish are greatly injured by its drunkenness (in rates as well as otherwise), they have a right, if they so wish, to stop it by force. The many, in such a case, should outweigh the few.

CVII. (5.) The idea is also put forward, that the drunkard will hail, and may fairly claim, such aid in keeping temptation from him.

On the other side we find—

CVIII. (1.) The idea that it is in no case the province of Government to withhold men from follies, but only to guard their rights.

CIX. (2.) The idea that the State would not be merely omitting to guard, but would be itself trespassing upon the rights of the people, in taking a harmless indulgence from A, because Z finds it hurtful.

CX. (3.) The idea that it saps the force and self-reliance of the people, for their rulers to do for them what by rights they ought to do for themselves.

CXI. (4.) The idea that such attempts of the State to outstep its true field of work, always miss their mark, and do unlooked for mischief.

## SECTION X.

## THE GAME LAWS.

CXII. (1.) The idea is strongly pushed forward in some quarters that game is not part and parcel of the land. It can shift in a moment from one man's property to another; hence no claim to ownership over it ought to be recognised by the law.

CXIII. (2.) And also the coordinate idea, that in giving an artificial right, not founded in nature, the law itself engenders suffering and crime.

CXIV. (3.) Another idea has been advanced, namely, that as the game eats and tramples the farmer's crops, he has the right to destroy it; and the landlord wrongs him in reserving that privilege for himself.\*

\* And accordingly, farmers are urgently advised to combine and insist upon having the game let along with the land. This view ignores the facts of the case. Here you have, say, a nobleman with a landed estate, and a great house filled in the autumn and winter with guests, whom it is his business to amuse. Is it common sense to expect that he will agree to cut off them and himself from the resource of shooting, by letting it to the



CXV. On the other hand, the principle on which the law is based, and which still has a strong hold, at

farmers? Could it pay them to give the price that would remunerate his lordship for so heavy a sacrifice? Or is it expected that he will give them the shooting for nothing?—*i.e.* to make them a yearly present of a large sum of money. It seems to me to be a more feasible suggestion that, when a lease is given of a farm, the landlord should state the average number of hares and rabbits that have been shot, say, in the last three years; and agree that if more than that number be shot in any future year, these should belong to the tenant; the landlord, however, retaining the right to keep them, on paying the fair market price for each hare and rabbit.

This suggestion has been strongly condemned as admitting the right of the landlord to keep ground game. If he could be induced not to do so, so much the better for the tenant; but in default of that, the arrangement suggested would have the signal and paramount advantage of introducing certainty into a transaction which ought to be settled like any other contract, but which is now usually left in a woeful state of haphazard. As it is, the landlord lets the farm for twenty-one years, with an unknown head of game upon it, and a vague understanding that there is to be no great increase. Meanwhile, perhaps, the landlord's sons grow up into sportsmen, or a new landlord comes; the game is far more highly preserved, and the result, in thousands of cases, is heavy loss, or even ruin to the farmer; besides a vast amount of ill-will and litigation. The number of actions brought for damage caused by game is enormous, and these are merely a symptom of the bitter feeling and severe suffering so engendered. Now surely, if the farmer knew exactly how much ground game was to be kept, and what amount of compensation he would receive for each hare or rabbit shot beyond that fixed amount, his position would be far less precarious; while again, the landlord would be secured from actions on account of the damage done by excessive game.

No doubt the tenant would have to trust to the landlord's accounts of the head of game shot; but all sportsmen keep such accounts accurately, and no landlord would deceive his tenant about the matter. <sup>1</sup>

Of course, nobody dreams of enforcing this by law. It is only suggested,

least on the upper classes, is that game on land belongs to the owner of that land (and if let, to its occupier\*) as much as its other products, and must therefore be secured to him.

CXVI. The provisions, however, by which the law carries out that principle, are unlike those adopted for the protection of other property. The idea is gaining some vogue that it would be wise and right to treat game altogether in the same way as ordinary property; and protect it by the same means.

that in most cases it would be a wise arrangement for the tenant to ask, and for the landlord to concede. Many farms, however, are so situated that it would be impracticable.

\* It is curious how often in discussions on the game laws, it is assumed that the game belongs by law to the landlord, not to the farmer. But every landlord knows well that, unless he reserves the right of shooting, it passes to the tenant with other rights over the soil. The law already does all that the law can, to give the game to the tenant—unless, indeed, it forbade him to make such and such a contract.

## SECTION XI.

## CHARITABLE TRUSTS.

CXVII. In the case of Charitable Trusts, the principle has been acted upon by the State, though in a feeble and hesitating way, that property left for the public good, must be used for the public good; and may be taken away and set to other work, when it is found not to be so used.

The Dissenters demand to be admitted among the trustees of endowed charities, where the founder's will does not forbid it.

CXVIII. This is claimed on the principle that property, left without specification of creed, for public uses, belongs not to some, but to all.

CXIX. It is rejected upon the principle that long possession gives ownership.

## SECTION XII.

## PUNISHMENT OF CRIME.

CXX. Of all the ideas that during the past hundred years have forced their way to an authority over the national mind unknown before, the most striking, and the most fraught with varied influences, has been the idea that every man, as man, has a right to reverence ; however poor, debased, criminal, or savage.

This, of course, is no new idea. But in no period of the world was it so consciously admitted as a source of political action.\*

This principle has wrought great changes in our treatment of criminals.

First, in the degree of punishment inflicted.

Our fathers looked solely to what, as they assumed, would crush crime most surely. Thus,

\* It was this principle, much more than compassion for the sufferings of the slaves, which led the British people to the great achievement of emancipation. It has told immensely, also, upon our treatment of the natives in and near our colonies.

when they wanted to stop the stealing of horses, sheep, and even turnips, they made the punishment 'death without the benefit of clergy.' To stop treason, they half hung a man, cut his bowels out, and then hung him again. If the traitor was a woman, they burnt her.

We reject this whole system. We have not simply mitigated its traits. We deal with crime on a different idea from that by which our fathers were actuated. The penal code against which, first of all, Romilly, and after his death, Mackintosh, seconded by Mr. Fowell Buxton, raised their voices, and at length with success, in Parliament, was impregnated throughout with the idea that crime was to be put down by whatever means would be most potent; and that no means could be so potent as terrible punishments. The judge's celebrated dictum, 'You are not hung for stealing a horse, but that horses should not be stolen,' exactly expressed the idea by which the code was enforced. It aimed only at expedience. It looked to nothing else.

Accordingly, that code assigned death as the penalty of 238 offences: some of these being of

the most trivial character, as e.g., that of consorting with gipseys.

CXXI. The Penal Code, by which that Draconian one was replaced, was shaped by a perfectly different principle: namely, the idea that it was—not expediency, but—justice, to which punishment must be conformed. It was the idea of justice—stimulated, not superseded, by emotions of pity\*—which wrought the change. No doubt the originating idea of any penal code is that of putting down crime. *But the degree of punishment* is adapted in our existing code to natural justice. It is conformed to the atrocity of the offence, not, as it was formerly, to the supposed convenience of the public.†

This principle, that the amount of punishment must be adjusted to the degree of crime, clearly

\* If it were emotions of pity—not the sense of justice—that shaped our penal code, we should not still hang women who have been convicted of murder. Nay, should we hang anybody?

† In the discussions, both in Parliament and the press, on Mr. Adderley's bill, by which crimes of violence were to be visited with flogging, it might have been noticed that at first, while the panic about garotting lasted, the main argument put forward was, that this crime must anyhow be stopped. After the panic grew cold, the argument that rose into prominence was, that bodily torture was *the fitting penalty* for a deed of personal violence.

issues from the idea above stated, that the criminal, as a man, has rights which society is bound to respect. In codes, such as that of England in days gone by, the claim of the criminal to justice is taken no account of. The lawgiver seeks to discourage certain deeds; and he looks to that alone. He takes no heed to what may be due to the criminal himself. If the stealing of horses can be put down by hanging the stealers, why, let them be hanged. Their claim to be left unhung is of no account whatever. But when the lawgiver proportions punishment to crime, he admits that the criminal has rights.

In another direction, also, the same idea has borne large fruits. This principle, that in punishment the rights of the criminal are to be regarded, as well as the prevention of crime, has revolutionised our whole system of Prison Discipline. It has not only mitigated the cruelties which formerly disgraced our gaols; but it has added a totally new feature to our mode of dealing with their inmates.

CXXII. It has led to the adoption of an idea, which is now admitted among the undoubted axioms laid up

in the national mind, namely, that punishment ought to be not penal alone, but also reformatory.

No doubt this idea has been mainly urged upon the nation, by the hope that crime would be diminished were the criminal turned from his evil way. But any one who takes the pains to note what has been said and done in this matter can hardly, I think, help seeing that the attempts to reform prisoners emanate from the idea of the claims of the prisoner to such treatment, quite as much as from prudence.

---

Much attention has lately been excited by the proposal to abolish capital punishment, even in cases of murder. This is advocated on—

CXXIII. (1.) The principle that human life is too sacred to be thus destroyed.

CXXIV. (2.) The idea that executions familiarise the public with slaughter, and thus rather promote than suppress murder.

CXXV. (3.) The idea that the administration of justice, being in the nature of things fallible, death, if inflicted at all, will sometimes be inflicted on the innocent.

On the other side we find—

CXXVI. (1.) The idea that it is due to the subjects



THE PRINCIPLE OF THE  
... that the ...  
... the ...  
...

... the ...  
... the ...  
... the ...  
...

CHAPTER III

... AND ...

... the ...  
... the ...  
... the ...  
... the ...  
...

... in deprecation of

... of the ...  
... But at  
... of punishment,  
... with it as a mark

CXXXIX. (1.) The principle that this punishment being in its nature so degrading and brutal, its infliction is a breach of that reverence to which every man, as man, has a rightful claim.

CXXX. (2.) The idea that, in the army and navy, a sense of personal honour should be fostered ; and nothing could depress this feeling more fatally than the use of the lash.

CXXXI. (3.) The idea that torture does but exasperate and brutalise the victims, rendering them more dangerous than before.

CXXXII. (4.) The idea that the infliction of bodily torment tends to brutalise all who take part in it, whether as administrators or spectators.

## SECTION XIV.

## BANKRUPTCY.

The question how bankrupts should be dealt with is much discussed, and the following ideas have lately gained prominence :—

CXXXIII. (1.) The idea that the administration of bankruptcy should be wholly taken out of the hands of the Court, and put into those of the creditors : the Court being only called upon to decide the legal questions that may arise.

CXXXIV. (2.) The idea that the punishment of the bankrupt for fraud should be altogether separate from the administration of the bankruptcy. The end of the latter is to get the creditors paid. This business should not be mixed up with quasi-judicial proceedings.

CXXXV. (3.) This idea, however, naturally calls forward another, viz. : that since criminals are prosecuted, not to avenge their victims, but to protect

society, it is the State, not the victim, that should prosecute.

At present, the law wipes out the bankrupt's debts, if a certain proportion of his creditors assent.

CXXXVI. This system is based on the idea that if his debts always hang over him, this would paralyze his industry, thus injuring both him and the State, without gain to the creditor.

CXXXVII. It is objected to upon the principle that the law should enforce contracts, not change them : and upon this principle it is proposed that the creditors should be left alone by the law to make their own bargain with the debtor.

CXXXVIII. The idea has gained much favour, that the body of the debtor should not be liable for his debts, but his goods only.

## SECTION XV.

## PURCHASE IN THE ARMY.

The purchase system is objected to on—

CXXXIX. (1.) The principle that merit, not wealth, should give advancement.

CXL. (2.) The idea that this system gives an advantage to the aristocratic over the middle class.

CXLI. (3.) The idea that unpaid service is bad service; and under this system the officer has bought his own pay.

The system is defended upon—

CXLII. (1.) The idea that else it would be seniority, not merit, that would give advancement.

CXLIII. (2.) The idea that it is well for the army to be officered by gentlemen.

CXLIV. (3.) The idea that the cost of the change would be unbearable.

## SECTION XVI.

## COMPETITIVE EXAMINATIONS.

The present plan, of subjecting applicants for employment in the public service to competitive examination, has sprung from the following ideas—

CXLV. (1.) The idea that justice, both to the people and to the man himself, demanded that ‘the right man should be put in the right place,’ and that there should be an end of jobbery.

CXLVI. (2.) The idea that intelligence and industry, as a general rule, would imply moral goodness.

CXLVII. (3.) The idea that Education would be stimulated by these premiums.

CXLVIII. (4.) But the great popularity of the scheme came from the idea that thus the middle classes would be enabled to push themselves into a higher social place.

The resistance to this scheme has mainly emanated from—

CXLIX. (1.) The idea that fitness could not be thus tested.

CL. (2.) The idea that trustiness was more needed than ability; and would be less guaranteed under this system than before.

CLI. (3.) The idea that disappointment, discontent, and indolence would be the result of obtaining higher ability and education than was needed.

CLII. (4.) The idea that the higher ranks ought not to be pushed aside from the upper departments of public employment.

## CHAPTER V.

## THE IDEAS OF THE DAY ON

## FINANCIAL POLICY.

---

SECTION I.

## FREE TRADE.

IN no department of policy have greater changes been wrought, than in that of finance, by the increased energy of ideas which, though mostly old and obvious, are yet new as motives to political conduct. This was strikingly seen in the growth of the policy of free trade.

CLIII. (1.) The first of the ideas that set trade free, has the look of a barren truism; and yet it only gained its way in England by dint of hard fighting; and is still repudiated by half the world. This is the



idea that the more good things a nation gets, the better !\*

CLIV. (2.) The next idea which pushed free trade forward was, that it is outside the business of Government to help any men, or classes, to carry on their own affairs ; except, indeed, by guarding them from wrong.

CLV. (3.) Nay, the principle was maintained that every man has a *right* to work out his own good in his own way, so long as he does not trespass on the same freedom in others.

The law, therefore, wrongs him, if it debars him from this, for the sake of some possible profit to some possible parties.

This idea leads to the acknowledgment on the one hand of the consumer's right to buy where and how he would ; on the other hand, of the producer to produce and sell what and how he would.

CLVI. (4.) Another idea was that, where there is no trespass on the rights of others, the gain of each is gain of all.

But note that under Protection, others are wronged.

\* Few strange things are stranger than this ; that hundreds of millions of intelligent men should have squared their national policy to the falsehood—too plainly false, one should have thought, to mislead a child—that a nation's wealth lies in producing good things, not in consuming them !

CLVII. (5.) The idea had no small weight, that nature is wiser than man; and he mars her work by meddling with it.\*

In this case, for example, capital, if let alone by human law, would be sure to find out the most profitable investment. Therefore, the body of producers, as a whole, must be the worse for interference, and the better for freedom.

CLVIII. (6.) And so, too, the idea that the more

\* I fancy that if anyone skilled in such philosophy were to trace this idea down to its roots, a wonderfully rich vein of thought would open before him. Free Trade seems to be the political phasis of the same idea which in other spheres also has wrought not less striking revolutions. The mind of the nation has become more and more profoundly impressed by a sense of the beauty and wisdom of nature, and more and more impatient of the rules by which man would cut all things square, after notions of his own devising. This higher value for what is natural, this aversion for what is artificial and conventional, gave rise, unquestionably, to the so-called Pre-Raphaelite School in painting. In poetry it has been expressed by Wordsworth, and more lately, and in a very different form, by Tennyson. In architecture it seems to me to have been one of the main causes of the triumph of Gothic over Georgian. In medicine, it has substituted fresh air, pure water, and exercise, for bleeding and purging. It has had great influence over the modern theories, though too little as yet over the modern practice, of education. The 'broad' school of theology, again, emanates from the same principle, its essence being the preference for natural over conventional religion. And I think that the same influence could be traced, not only in the case of free trade, but in other large departments of policy: as, e.g., in our letting the colonies alone, to grow up in their own way, not in ours.

trade grew, the more would nations become knit together, and war impossible.

CLIX. (7.) In some quarters the idea was much relished that free trade would lower the landholding, while raising the trading, classes.

CLX. (8.) Others, more justly, held the idea that if wealth were poured into the land, every class must thereby be enriched and strengthened.

CLXI. (9.) This policy, again, partly emanated from the idea that free trade, by enhancing the national wealth, would fill the Exchequer.\*

The defence of the system of Protection involved three leading ideas :

CLXII. (1.) The idea that trade would not flow of itself in the most profitable channels for the whole people ; therefore it was part of the duty of the Government to direct it.

\* The fiscal merits of free trade, however, have done more for its growth than for its birth. Probably its adoption in foreign countries will be due much more to the fortunate discovery of its potency in filling the Treasury, than to any philosophical perception of its justice and truth.

CLXIII. (2.) The idea that the wealth of a nation lies, not in 'the abundance' of the things which she possesseth,' but in the quantity of work she does.

CLXIV. (3.) The idea that by making the nation produce what she consumed, she was saved from a perilous dependence on others.

CLXV. (4.) The defence of the Corn Laws was partly based upon a fourth idea: viz., that the land-owning class was of singular value, social or political, to the nation; and the nation, therefore, would do wisely to make some sacrifices for its benefit.

CLXVI. Associated with the system of Protection was the doctrine of the balance of trade; which was based on the idea that the profit of the country from its foreign trade varies directly as the value of what it gives: inversely as the value of what it gets!

## SECTION II.

CLXVII. One idea which has shaped the financial policy of recent years, appears at first sight to be of the most unpretending simplicity. It is merely this, that it is not by perfecting the machinery of taxation, but rather by enlarging the national wealth, that the national treasury will be most abundantly replenished. In homely phrase, that it is not by strengthening the pumps, but by opening the springs, that the cistern will be filled fullest.

CLXVIII. Obvious as that idea may seem, it did not permeate our financial policy in times past; nor that of other nations now. Even the United States and Italy are at this moment acting on the idea that the one art of finance lies in giving the utmost sweep and power to the machinery of taxation.\*

\* This radical difference of idea was vividly exemplified in the debates on the Paper Duties. Mr. Gladstone, and those who went with him, dwelt much on the expansion of wealth, and hence of the revenue, that would ensue from this relief. Those who went against him seemed (to me, at least) to fix their eyes only on the machinery of taxation, as if all financial wisdom lay in keeping that perfect and powerful.

## SECTION III.

A considerable share of attention has been attracted of late years by the proposal that direct should be substituted for indirect taxation.

CLXIX. This proposal has mainly emanated from the idea that direct taxes would cost less; both in their collection, and also as not causing any interference with the processes of trade or manufacture.

CLXX. It has gained some support from the idea that direct taxation would be more painful, and thus, by stirring up resistance, would tend to economy.

CLXXI. And, again, from the idea that direct would fall more than indirect taxes, on the upper classes of society.

CLXXII. This latter idea, however, is exactly opposed to one which has been rising to predominance in recent years: viz., the idea that taxation ought not to be mixed up with charity; but each member of the commonwealth ought to contribute his fair share of its outlay;

that to relieve the poorer classes from their due proportion, and throw all the weight on their richer neighbours, is a breach of justice ; and this so-called charity is not less mischievous to those it is meant to ease, than to those it burdens.

---

#### SECTION IV.

Two opposite ideas on finance have still their ardent votaries.

CLXXIII. The one is the idea that the revenue should be raised by light taxation on a large number of articles.

CLXXIV. The other is the opposite idea, that the revenue should be raised by heavier taxation on few articles. This idea is now embodied in our policy.

CLXXV. But the idea also prevails that a larger revenue is raised by moderate, than by exhaustive taxation.

## CHAPTER VI.

THE IDEAS OF THE DAY ON  
FOREIGN POLICY.

---

SECTION I.

A VAST amount of thought has been given of late years by the British people, to questions of foreign policy ; and the following ideas may be noted as having more or less sway. Some of them already shape our conduct.

CLXXVI. (1.) The principle that each nation has the right, which others should revere, of managing her own affairs.

From this principle springs the rule of non-intervention.

It might be thought that the rule of non-intervention sprang from a selfish notion that intervention does not pay. That its real root in the minds of Englishmen is the principle that each nation has the right to manage her own affairs, is shown by our eagerness to make other nations obey the rule, and our indignation when they break it. We condemn the holding of Rome by France, not because it hurts France, but because we regard it as a *trespass on the rights of the Italians*.



CLXXVII. (2) The idea (held as yet by few) that, for her own sake, England should stand utterly aloof from the affairs of others.

CLXXVIII. (3.) The idea that we should take part in what goes on elsewhere, so far as to condemn wrong, and urge a peaceful settlement of quarrels; but not with the sword.

This was the idea on which the nation, despite the more warlike tendencies of its rulers, chose to act with regard to Denmark. With regard to Poland, it was accepted by all as our actuating principle.

CLXXIX. (4.) It is admitted on all sides, that we should never threaten, unless we mean to strike.

Among the forces opponent to the principle of non-intervention, are—

CLXXX. (1.) The idea that this country ought to countenance—or even fight for—all who are struggling for political freedom, or against a foreign yoke.

CLXXXI. (2.) The idea that England, as one of the family of nations, is bound to stand by those who are wronged; with the sword if needful.

CLXXXII. (3.) The idea that England should maintain the balance of power; and with that view should uphold weak nations against the strong.

Hence, partly, the Crimean war.

CLXXXIII. (4.) The idea that it is right for a nation's neighbours to step in and put down anarchy, with which she has proved herself unable to cope.

The recent intervention of France in Mexico has been justified on that principle. So, too, the partition of Poland.

CLXXXIV. (5.) The idea that no nation has the right to isolate herself; and, if she does so, other nations may justly force her to have dealings with them.

This idea was certainly acted upon, if not avowed, by both England and France, in their treatment of China and Japan.

CLXXXV. Another principle, called the principle of nationalities, has come into vogue.

According to this principle, those peoples who are kith and kin have a right, if they choose, to come together as one nation.

This principle was admitted by England in allowing the reunion of the Ionian Islands with Greece.

CLXXXVI. It is a cherished idea of some English statesmen (as of all French statesmen) that it is not

enough for their country to be secure, but that *she ought also to be predominant.*

This idea is especially popular with regard to England as a naval power. Few Englishmen but cling to the idea that at sea England must not merely hold her own, but be 'paramount,' 'predominant,' 'supreme.' We talk of her as 'Queen of the Seas,' 'Mistress of the Ocean,' &c.

These phrases are vague, but the idea below is that the navy of England should not merely make her safe, but excel the world.

CLXXXVII. Another phase may be noted of the same idea. This was the assumption, now dying out except in some diplomatic circles, that this country ought to make her hand felt throughout Europe; and to that end should bring her influence to bear on the councils of weaker nations, such as Greece, Turkey, &c.

CLXXXVIII. Some, however, hold an adverse principle; namely, that the business of the Government is, not to make this country predominant, but only to make her safe. And that the respect of others is not to be sought by fleets and armies; but, if it comes, should come of itself, as the reward of a wise and strong, but unselfish policy, and of the greatness that such a policy must bring.

CLXXXIX. Some even lay down the principle that no nation has the *right* to queen it over the rest, whether

by land or sea ; and that she wrongs others, and in the long run herself, who strives to overshadow them.

CXC. It is believed abroad that, in foreign affairs, England has no other actuating principle but that of making herself rich and glorious, and, with that end in view, loves to see her neighbours lowered.

In this we are belied. Englishmen of all parties rejoice in hearing that other nations are making way. This mainly springs from a feeling of goodwill ; but it also issues from an idea which must not fail to be noted among those that give shape to our views on foreign affairs—the idea that *the more others thrive, the more we shall thrive with them.*\*

CXCI. Of all the revolutions in the national mind, none has been more striking than this : that, whereas in days gone by, the people of this kingdom were strongly wrought upon by the idea that it was by conquest that greatness was to be won ; now, that idea either sleeps or is dead, and its place is taken by the very opposite idea, namely, that our dominions must on no account be enlarged. We shrink from gains of sovereignty, as in old days we should have hailed them.

\* This idea might seem a truism, but in fact it is new. Nay, that nation has climbed a great height of political wisdom, which has come to see that the good of one is the good of all.

CXCII. Another most striking revolution has taken place in the national mind. Up to late years the nation was possessed by the idea that France was the natural enemy, or rival at least, of England; and that our policy and hers must clash.

Now, most happily, it is becoming received as an axiom of policy by both nations, that our wisdom lies in the closest union; and that by acting together, as equals indeed, but with one mind and one purpose, we shall lead the world.

CXCIII. The idea has some votaries, that, of all things, peace is the best; war the worst. And that but for the clumsiness and violence of statesmen war might almost always be avoided without dishonour.

CXCIV. Yet all Englishmen hold the principle that England is not to put up with insult or wrong.

CXCV. The principle, however, is gaining ground, that, while British subjects must be shielded from all wrong, and any wrong done them must be atoned for; still, in enforcing this, England should show herself forbearing, gentle, and generous.

CXCVI. The idea was actually embodied in the Protocols of Paris, but, unhappily, has not been accepted

by our governors as an axiom of policy, that all disputes should be settled by arbitration, in lieu of the sword.

CXCVII. The course of events has thrown into the background an idea which yet, within a few years, bore signal fruit. This idea—the inspiring genius of Lord Palmerston's foreign policy—was that the first duty and wisdom of England lay in resisting the encroaching sway of Russia, by which the freedom of Europe would else be overthrown. The Syrian war, the Affghan war, and the Crimean war, mainly sprang out of this idea.

CXCVIII. The idea prevails that, while the British Government is to do its utmost to gain openings for trade, still no openings are to be sought for England only; but that all shall share them.

CXCIX. Upon the whole, the nation seems to be growing enamoured of the idea that it is not in conquest, in a proud demeanour, in fierce resentment of the least wrong, in the display of overwhelming force, in overshadowing or overawing those around her, that England's true glory is to be found; but in winning the reverence of the world, both by the masculine wisdom of her home policy, and by setting a noble example, in her dealings with others and above all with the weak, of justice, generosity, and self-control.

## SECTION II.

CC. The policy of this country with regard to the recognition of rebels as belligerents, is guided by a simple principle ; namely, that it must depend, not on sympathies, but facts. If the rebels are in force, neutrals should treat them as in force ; if they are mere rioters, or troublers of the peace of their land, they are not really belligerents, and cannot claim rights as such. In fact, it is due to the existing authorities, that, in a policy which touches them, neutrals should hold to the truth.

CCI. The policy of this country as to recognising the independence of rebels, is based on the same idea : namely, that such recognition must depend, not on sympathies, but facts. If a people has actually thrown off the yoke of a foreign nation, then England recognises it as independent. Again, if a people has actually thrown off the yoke of a despot, then England recognises the new government set up in his place.

Proof, however, is demanded of the fact that independence has been actually achieved. The best proof is, the cessation of armed attempts by the former sovereign to recover his dominions. Hence, as a rule, the British Government does not recognise a rebel people, while the

struggle goes on. But if other proof were given that they had achieved independence; for example, if their self-government were organised and worked successfully for some years, despite abortive assaults from a dispossessed sovereign; then, doubtless, the British Government would grant them recognition.

---

### SECTION III.

In the Protocols of Paris, England agreed to the rule that, barring contraband, 'free ships should make free goods.'

The ideas that suggested this rule were three.

CCII. (1.) The principle that *the neutral has a right to be let alone*, so long as he is not virtually taking part in the war by carrying munitions for it.

CCIII. (2.) The idea that, so far as may be, every source of probable quarrels between nations should be stopped up.



CCIV. (3.) The principle—a most pregnant one—that war ought to be simply a duel between armies and navies, and that private property should be untouched.

---

#### SECTION IV.

The proposal has been brought forward in Parliament, to make an enemy's trading-ships free as well as his goods.

This has been urged upon—

CCV. (1.) The principle just referred to—that *war ought to be a duel between armies, in which private property should be untouched.*

This principle, it is said, is always acted on by land. It has now been extended to goods at sea. Why not also apply it to ships?

CCVI. (2.) The idea that whatever softens war, shortens it, hatred being less kindled.

CCVII. (3.) The idea that whatever step nations take towards humanity, tends to thoughtfulness, and so to peace.

CCVIII. (4.) The idea has further been thrown out that England ought not to look to her special interests, but to those of the whole commonwealth of nations. And it is assumed that, taken altogether, it must be good for them to lighten the evils of war.

CCIX. (5.) The idea that whatever injures shipping, would most injure the largest shipper—viz. England.\*

Those who deprecate the proposal, deny the principle that private property is to be respected in war.

CCX. (1.) They, on the contrary, allege the principle that *everything is good in war which helps to end it.*

\* The argument based on this idea may be thus briefly stated:—

(1.) By the Protocols of Paris, goods will henceforth be safe in neutral vessels, but not in those of the belligerents.

(2.) Hence the merchants of each belligerent would send their goods in neutral vessels, where they would be safe; not in their own, where they would be in danger.

(3.) The shipping, then, of each belligerent would, for the time, be laid up, or be sold to neutrals.

(4.) England, as the greatest shipper, would be the greatest sufferer.

And they affirm that by cutting up a country's trade, the enemy *does* impel it to seek peace.\*

CCXI. (2.) They also are actuated by the idea that England has a special interest in leaving ships open to capture, because she is ablest to take an enemy's ships and to keep her own.

---

## SECTION V.

The question whether the great Powers should not agree to abolish the right of blockading mercantile ports, has been mixed up with the question last discussed. It is, however, convenient for us to treat it by itself.

\* I have no doubt, however, that those who say this would still be willing to modify this principle by admitting the somewhat vague, but really practical principle, that *severity is not allowable if the suffering inflicted is out of all proportion to the probable effect on the result of the war*. It is by this principle that the killing of sentries is forbidden; the driving back of the citizens into a beleaguered town, firing glass, poisoning wells, &c. &c.

Those who plead for this change appear to be actuated mainly by the following ideas.\*

CCXII. The idea that the neutrals have a right to be let alone, so long as they are not taking a side.

CCXIII. The idea that war ought to be carried on as a mere duel between armies, private property being untouched.

CCXIV. The idea that whatever softens war, shortens it, hatred being less kindled.

CCXV. The idea that whatever step nations take towards humanity, tends to thoughtfulness, and so to peace.

CCXVI. The idea that blockades, except most rarely, do *not* drive nations to yield :—

Partly because, nearly always, they can be eluded by sea, or by land.

Partly because nations, once at war, are blind to losses.

\* Some of these are the same as those held in the case just considered ; but I have thought it best in each case to give all the ideas that bear on it, without minding repetition.

CCXVII. The idea that England, being the largest trader, and also the largest consumer, will be hardest hit by blockades.

(1.) When she enforces them, she will be hampering her own commerce ; depriving herself of goods she wants ; or (if they come round by rail, as in the Russian war) she will be raising their price on herself.

(2.) And when others enforce them, the loss to her is severe ; without, of course, any shadow of good.

CCXVIII. The principle that England ought not to look to her own good solely, but to the good of mankind ; and that this must be promoted by whatever might lessen the ruin caused by war.

On the other side I find—

CCXIX. The idea that nations, when wrestling in war, cannot tie their hands to please neutrals. The bystanders must take their chance.

CCXX. The idea that, as each belligerent is merely seeking to gain what he deems his due, he has the right to distress the enemy in any way, till it is given him.

CCXXI. But others, though holding the opposite principle (namely, that private property ought to be untouched), say that it does not bear on this case; for, say they, the aim of blockades is not to seize private property. So far from it, the blockade ought to be too thorough for captures. The real aim is, to weaken the whole nation, by stopping the sources of wealth, and to destroy her revenue from customs. Blockades, then, are meant to press on the nation as a whole, not to harass individuals.

CCXXII. The idea that in war, all is right which hastens its close.

CCXXIII. The idea that *whatever makes war more distressing withholds men from it*; so that blockades tend to peace.

CCXXIV. Others, however, would allow the principle that war ought to be carried on with the least possible suffering. But their idea is that, of all modes of pressure upon an enemy, the most humane is a blockade, because

it neither slaughters nor ravages ; but merely stops profits and supplies.

CCXXV. The idea that England, being ablest to blockade, has therein a vantage ground over other nations, which it would be 'political suicide' to leave.

Else, if any nation kept no navy, and no sea fortresses, our fleets could not touch her. By throwing away a weapon which we can wield best, we raise our enemies to our level.

## CHAPTER VII.

THE IDEAS OF THE DAY ON  
COLONIAL POLICY.

---

SECTION I.

CCXXVI. The one idea of Colonial policy which prevailed till our own day in England was, that the Colonies were to be in complete subjection to her : and she alone was to have the advantage of trading with them.

This idea has faded from the national mind. All now agree that our Colonies are to have unbounded freedom, both of government and of trade.

The ideas that have led to this conclusion are :



CCXXVII. (1.) The principle that every organised society has a right to freedom in handling its own affairs.

CCXXVIII. (2.) The idea that each colony must be the best judge of its own business.

CCXXIX. (3.) And that what is best for the colony must, in the long run, be best also for the mother country.

CCXXX. (4.) The idea that it is only from handling its own affairs that a people can gain experience, self-reliance, and self-control.

---

CCXXXI. The determination to leave the colonial trade untrammelled, is simply a corollary from the principles that have led to free trade at home.

---

CCXXXII. But, in truth, there underlies the whole of this policy a principle, which of late years has been gaining wide dominion over men ; the principle that freedom, both of thought and deed, is itself the first of blessings, and the parent of boundless good. When the intellectual history of our time is written, its narrator will probably note this increasing abhorrence of all restriction (except with a view to protection against wrong), as the most striking of all the traits in the growth of the British mind during the past half-century. This, however, is no mere negative doctrine—a doctrine of abhorrence alone : it springs from a more profound and living faith in the wisdom and beneficence of natural law. And no principle has already wrought greater changes in our national policy ; no principle bids fair to work out greater results in years to come.

---

## SECTION II.

### COLONIAL DEFENCES.

The proposal has been strongly urged that the Colonies should not only be left to govern themselves, but to defend themselves on land.

This proposal issues from—

CCXXXIII. (1.) The idea that England weakens her force by scattering it.

CCXXXIV. (2.) The idea that, by a pretence of defending them, with a mere handful of British troops, we in reality tempt attack upon them, in case of war.

CCXXXV. (3.) The idea that the colonies are enfeebled by having that done for them which they ought to do for themselves.

CCXXXVI. (4.) The idea that the people of this kingdom are wronged, by their earnings being spent for others, without any return to themselves.

CCXXXVII. (5.) The idea that, by backing the colonists up with our force, we tempt them to fight with their native neighbours, or at least weaken the motives that would tend to peace.

This proposal is deprecated on —

CCXXXVIII. (1.) The idea that the mother country owes it to her offspring to guard them.

CXXXIX. (2.) The idea that the colonists, if left to arm themselves, would put the natives to the sword.

CCXL. (3.) The idea that, but for these defences, the colonies might fall a prey to other nations.

CCXLI. (4.) The Duke of Wellington's idea, however, in extending the system, was that thus a large force might be kept up, beyond public notice.

---

### SECTION III.

Some politicians would sever the tie that still binds us to the Colonies, and leave them, not merely to self-government, but to independence.

CCXLII. (1.) They seek this, first, on the principle that with nations, as with men, dependence weakens, independence strengthens, character.

CCXLIII. (2.) The idea that this would be a cheaper policy.

CCXLIV. (3.) The idea that it would be a more peaceful one, as lessening the points of contact, and therefore of possible war, between us and other nations. This has been especially felt with regard to Canada.

This view is opposed—

CCXLV. (1.) Mainly upon the idea that the name and fame of the mother country is enhanced by holding, and would be marred by losing, her dominions beyond seas.

CCXLVI. (2.) The idea that a cheap is a mean policy ; a free-handed one is noble.

CCXLVII. (3.) The idea that, but for their tie with us, these outlying countries would fall into the hands of others, to their damage, and our disgrace.

## SECTION IV.

CCXLVIII. The principle has been admitted on all hands that the colonists have a right to absolute religious freedom, and that no attempt should be made to thrust a State Church upon them.

---

The suggestion has lately been floated, that the claim still made by the Home Government, to nominate the bishops in the Colonies, should be given up : on the following principles :—

CCXLIX. (1.) The idea that in every way the colonies should be ‘*αὐτάρχεις* ;’ self-governed and self-contained ; not dandled by the government at home.

CCL. (2.) The principle that religion lies altogether outside the sphere of government.

CCLI. (3.) The idea that, if the Home Government ceases to appoint these bishops, they would be elected by

the Episcopalian colonists ; and all such democratic action is wholesome.

The adverse ideas are :—

CCLII. (1.) That it is a dangerous precedent to drop any link between Church and State.

CCLIII. (2.) That this appointment of colonial bishops by the Home Government keeps up the unity of the Church throughout the British empire.

CCLIV. (3.) That the bishops thus appointed are fitter for their position than those whom the colonists would be likely to elect.

## CHAPTER VIII.

## THE IDEAS OF THE DAY ON

## INDIAN POLICY.

---

SECTION I.

I WISH that, without drawing on my own fancy, I could note a long array of ideas, as being held in this country, on the policy to be pursued towards India. Unhappily, that magnificent empire is strangely overlooked by home politicians ; and yet no questions are more intensely interesting ; no questions involve mightier issues, than those relating to our conduct in that land. It is, however, the fact, that Indian topics are but little dealt with by the public mind at home ; and I have not been able to discover more than the meagre band of ideas here set down. But, to say truth, besides this barrenness of thought upon



Indian questions, I have found that most of them are so beset with local and technical considerations, that even the most defined opinions that have been expressed with regard to them, are not easily to be referred to general principles. The great questions of the size and proportion of the British and Native armies ; of the way to deal with caste ; of the modes of training and civilising the people ; of extending agriculture, manufacture, and trade ; of the methods of taxation ; of the introduction of cheap and speedy justice ; of the removal of the seat of Government ; of annexation, etc. etc., are all matters rather of place and time than of abstract ideas.

CCLV. The great principle which distinguishes our government of India from that of almost any other dependency by any other conquerors, is the idea that we are to govern her, first and foremost, not for our own good, but for that of her own people. Despite many exceptions and many drawbacks, this noble principle has been strongly grasped by the British rulers of India, and has in very truth been the life-blood of their policy.

CCLVI. Nay, the idea has some votaries, that the part

we have to play is simply that of cherishing and developing the character of the Indian people, till they have grown capable of self-rule; and then retiring—our task fulfilled.

CCLVII. The principle above stated has led on to the idea—which, however, as yet is not fully expressed in act—that the natives ought to be admitted to a large share in the counsels and in the administration of the government of their own land.

CCLVIII. Much stress has been laid in some quarters on the idea that it would greatly quicken and invigorate the administration of Indian affairs if her three great Provinces were, as far as possible, sundered, so that each should be governed without perpetual reference to a distant and slow-moving authority.

CCLIX. The idea is at this moment being worked out, that the land tax ought to be permanently settled, so that the tiller of the soil should feel more sure of reaping the full reward of his own diligence and forethought.

CCLX. (1.) The idea has many advocates, that the government ought to set itself to extinguish caste, by ignoring it in all their arrangements.

CCLXI. (2.) The opposite idea formerly prevailed, and is still cherished by many Indian statesmen ; namely, that the arrangements of government ought not to thwart, or ignore, but should be adapted to the facts of the case, and to the actual character of their subjects.

CCLXII. The idea is strongly urged by Indian statesmen that in taxing the people it is not so much *oppressive*, as *new* taxes, that are pernicious and perilous.

CCLXIII. Among the ideas that must be noted as having been actually carried into effect in India, and having borne fruits of a very remarkable kind, we must not omit the idea that the class of zemindars and talookdars was a pernicious element in the national life ; and that, as far as possible, they were to be pushed aside in favour of the ryot.

---

## SECTION II.

CCLXIV. Nor again can we omit notice of the idea which so long prevailed in the Indian Civil Service, and is not yet dead, that the natives must be guarded from the dangerous intrusion of British capitalists, bringing industrial works amongst them, but with probable oppression of the native workers.

It is a great question at the present moment, whether the Government should undertake the irrigation works throughout India, or leave them to private enterprise.

The ideas which seem to have determined the Government to undertake them are—

CCLXV. (1.) The idea that the profit thus gained will be a convenient substitute for taxation.

CCLXVI. (2.) The idea that the whole work will thus be done in a more scientific, systematic, and effective way.

CCLXVII. (3.) The idea that if left in private hands, the work might be executed oppressively to the natives; and hence, dangerously to ourselves.

The objections are founded on—

CCLXVIII. (1.) The principle that it is beyond the true function of Government to undertake commercial enterprises.

CCLXIX. (2.) The idea that work thus done by the Government can never be so cheap, or so sure, as the work done under the strong pressure of personal interest.

CCLXX. (3.) The idea that nothing could in the long run do so much to develope and indurate the native character, as the creation of industrial enterprises among them. Cossetting will never make them robust.

CCLXXI. (4.) The idea that it is an illegitimate way of taxing the people for the State to take profitable enterprises out of their hands into its own

## CHAPTER IX.

THE IDEAS OF THE DAY ON  
IRISH POLICY.

---

SECTION I.

## TENURE OF LAND.

CCLXXII. The present state of Ireland : her poverty ; her agrarian crimes ; her chronic discontent ; have been in no small degree owing to that idea which lies so deep in the minds of the Irish peasantry : the idea that the tenant is in truth joint owner with the landlord ; that the two are, in fact, co-partners, and so long as the tenant pays the landlord his fair share of the profits, he has a right to remain upon the land.\*

CCLXXIII. This idea leads to that of the so-called

\* Beyond doubt this idea has come down from the days when the peasantry really were the owners of the land, though tributary to their chief .

Tenant Right of Ulster, namely, the idea of the tenant's right to sell his tenancy, even when the landlord removes him.

With this idea one of a perfectly distinct character has often been confounded, viz.

CCLXXIV. The idea that the tenant is the true owner of any additions and improvements he may have made at his own cost upon the land ; and is entitled to be compensated for them when his lease expires.

The question, whether, and if so how, this idea could be carried into effect with justice to both landlord and tenant, is one of the most difficult of all the questions that now press for solution.

CCLXXV. The discussion of it seems to have led to a general acquiescence in the principle that the law ought in no way to meddle with contracts ; beyond enforcing them.

CCLXXVI. This principle would not be violated by an idea which has lately been thrown out ; namely, that

the law should leave the tenant free to destroy, or to remove, his own improvements on the land, if the landlord refuses to compensate him for them.\*

---

## SECTION II.

### THE GOVERNMENT OF IRELAND.

CCLXXVII. The idea has been pushing its way of late years that Ireland ought to be made one with Great Britain, by sweeping away its separate Court, and semblance of independent administration.

CCLXXVIII. An antagonistic idea, however, has been growing up rapidly during this autumn, viz. the idea that one main cause of the discontent of the Irish is the want of an object for their strong instinct of loyalty. Accordingly, it is proposed that a member of the Royal family should reside and be at the head of the government in that island.

\* Suggested by the 'Economist.' It looks like the one feasible solution of an else insoluble problem.



## SECTION III.

The ideas now prevailing on the questions relating to the Established Church, and to National Education in Ireland, have been dealt with above.

CCLXXIX. I ought, however, to have noted the idea which is gaining strength, that the attempt to combine the education of Protestant and Roman Catholic children has failed, and that a system avowedly, as well as, in fact, denominational, is inevitable.

## CHAPTER X.

THIS collection is at last finished, of the ideas now working in the national mind, on both, or rather on all sides of the political questions of the day. No doubt I shall discover, when too late, that it is very far from being so full and exact as I had hoped to make it. Many political ideas, and perhaps some of great force, may have been passed over. I can only say that should this prove to be so, it has been owing to lack of ability, not to lack of pains.

In some cases, however, the reader may, at first sight, imagine that I have carelessly overlooked some idea, when further reflection would show him that what looks like a fresh principle, is only a special aspect of one that has been set down. This has so often happened to myself in the course of this investigation, that I dare say it may happen to others ; if, indeed, such a 'siccus,' nay,

‘*siccissimus hortus*’ as this, should have the unexpected luck to get readers.

It has been impossible, in hunting after these principles, not to be greatly struck by the original force, by the fertility and vigour, of the national mind. When, as was said before, the intellectual history of our day shall be written—a history surely to the full as worth telling as that of its events—it will be seen how, in every department of politics, many old beliefs have been looked into, found wanting, and flung aside. In every department, and, above all, in that of foreign policy, new ideas have shot forth in rich abundance, some of them, ideas of the highest moment to the well-being of man. But after thus placing before us the ideas by which the two great political parties in the State are actuated, we naturally go on to ask whether again each of those two sets of ideas cannot be traced down to one or more first principles, from which they are but divergent branches? To this question I had prepared a reply, in which I endeavoured to point

out the perfect unity in the Liberal,\* and again in the Tory creed ; and to shew what is the formative principle that gives to each creed its life and form. At the last moment, however, when the publication of this work cannot be deferred, I see clearly that this last chapter will need one or two more years of reflection, before I shall be justified in placing it before the public. Should this book therefore prove to be of service, it will then be worth while for me to dig down into those deeper strata of thought. On the other hand, should the dryness of 'this present writing' be found to pass man's endurance, then the additional theory will merely be as 'a hidden and untimely birth, as infants that never saw the light.'

LECTOR : SI ES, VALE.

\* I draw no distinction between the Whig and Radical creeds, because the great practical difference between them is rather one of degree than of kind.

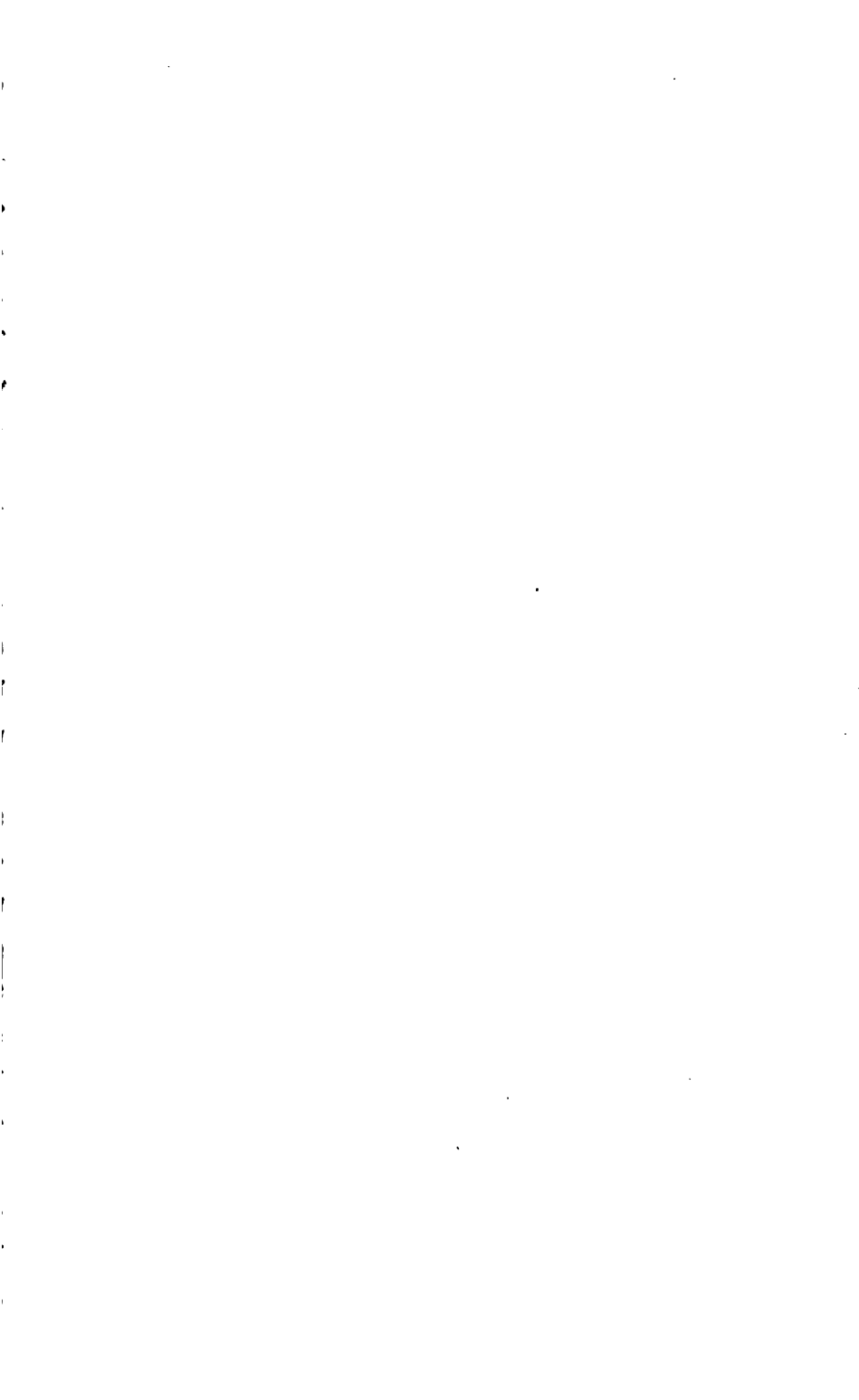
LONDON

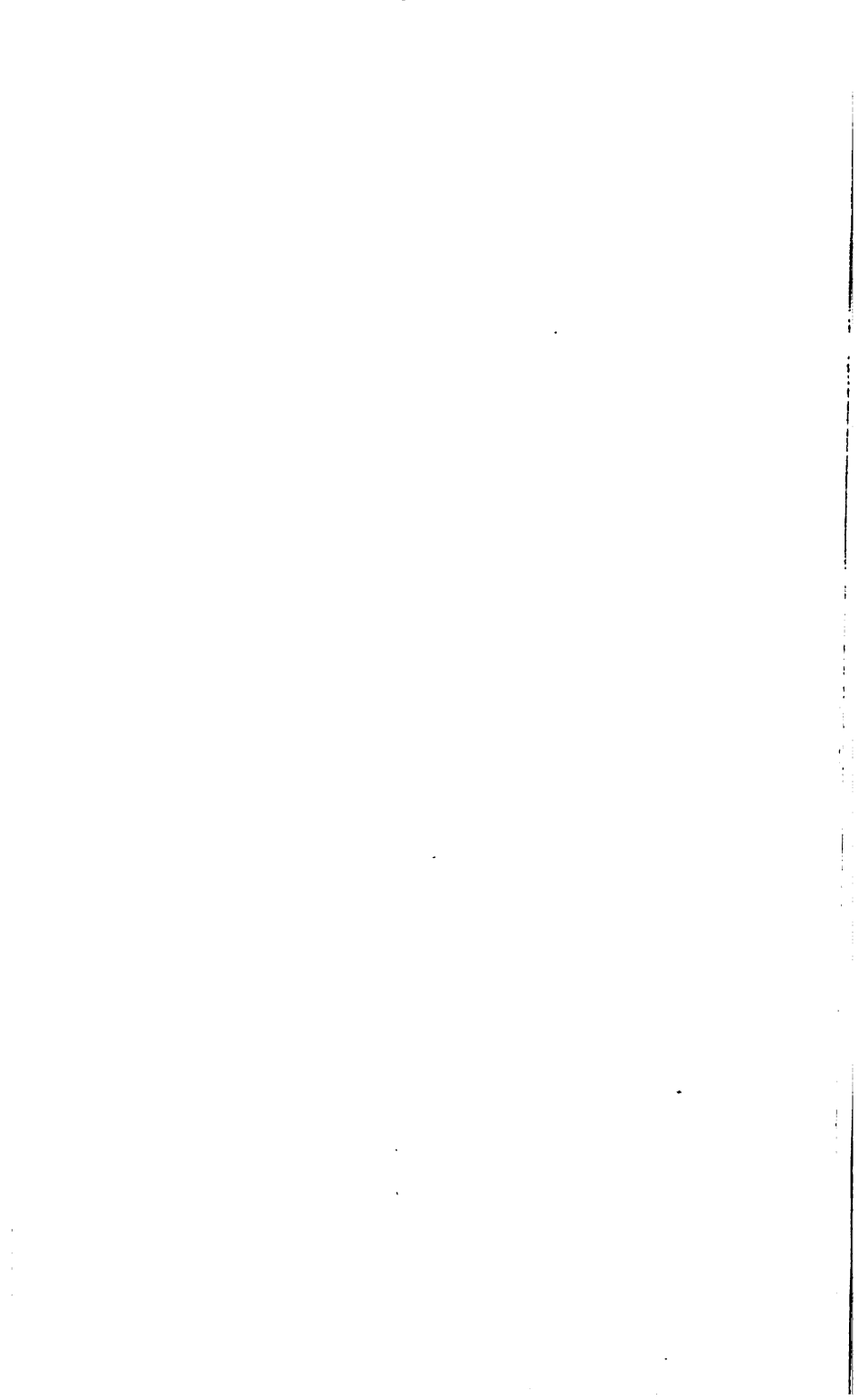
PRINTED BY SPOTTISWOODE AND CO.  
NEW-STREET SQUARE

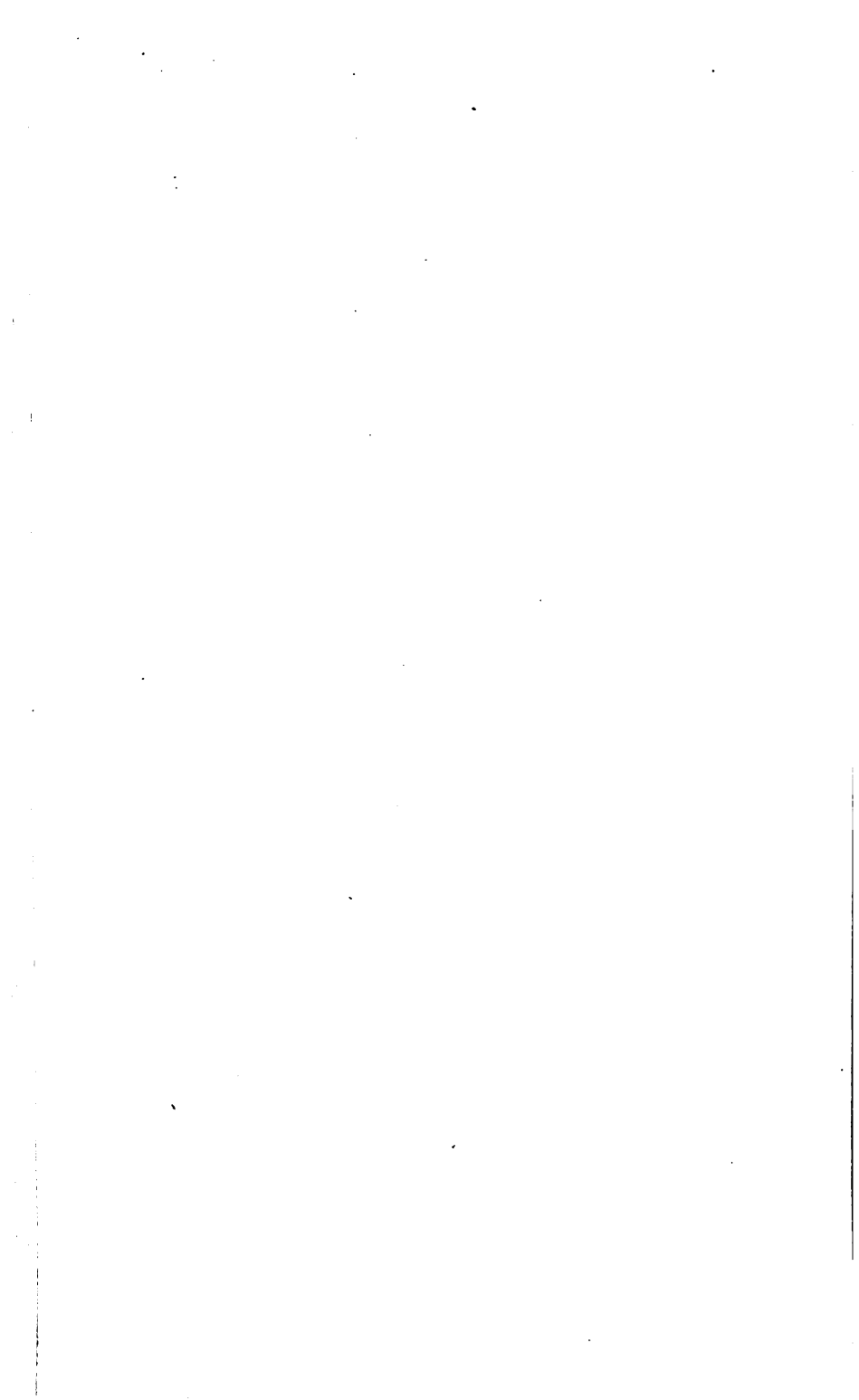
5c.

h

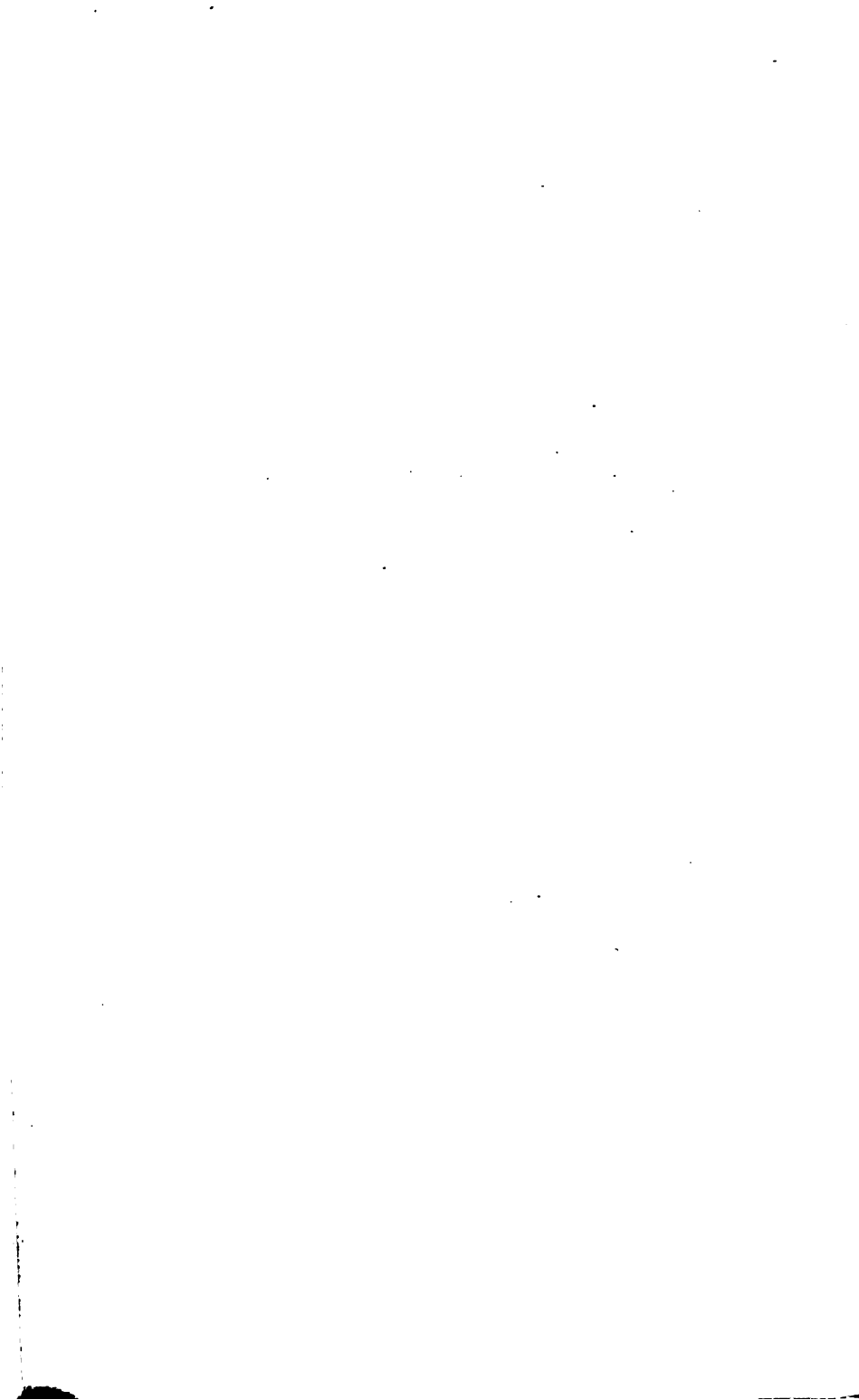
2 1











APR 2 2 1936

